

This facsimile message and its contents are legally privileged and confidential information intended solely for the use of the addressee. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or other use of this message and its contents is strictly prohibited. If you have received this telecopy in error, please notify us immediately by telephone and return the original message to us at the address shown below via the Postal Service. Thank You.

ALSTON & BIRD LLP

3201 Beechleaf Court, Suite 600
Raleigh, NC 27604-1062

919-862-2200
Fax: 919-862-2260

TELECOPY

PLEASE DELIVER AS SOON AS POSSIBLE

DATE: February 3, 2004

TO: USPTO, ATTN: EXAMINER DAVID H. KRUSE

FROM: W. Murray Spruill

Re: U.S. Patent Application for *Genes and Vectors Conferring Herbicide Resistance in Plants*
Appl. No. 09/997,900; Filed November 30, 2001

NO. OF PAGES:
(Including cover page)

4

OPERATOR:

IF NOT RECEIVED PROPERLY, PLEASE NOTIFY ME IMMEDIATELY AT

USER CODE:	SPRUM	FAX NUMBER:	(571) 273-0799
CLIENT/MATTER:	043753/241148		
REQUESTED BY:	Marilyn Munoz	VOICE NUMBER:	(571) 272-0799

Attorney's Docket No. 043753/241148 (5849-20A)

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Kakefuda et al. Confirmation No.: 5699
Appl. No.: 09/997,900 Group Art Unit: 1638
Filed: November 30, 2001 Examiner: David H. Kruse
For: GENES AND VECTORS FOR CONFERRING HERBICIDE RESISTANCE IN
PLANTS

February 3, 2004


Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUBMISSION OF TERMINAL DISCLAIMER
UNDER 37 C.F.R. § 1.321(c)**

Applicant hereby submits via this facsimile transmission, the attached Terminal Disclaimer Under 37 C.F.R. § 1.321(c) for the above referenced application. Please charge Deposit Account No. 16-0605, in the amount of \$110.00 for a large entity to cover the fee for filing a Terminal Disclaimer.

It is not believed that extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore is hereby authorized to be charged to Deposit Account No. 16-0605.

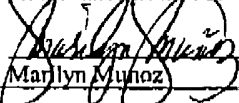
Respectfully submitted,


W. Murray Spruill
Registration No. 32,943

CUSTOMER NO. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Raleigh Office (919) 862-2200
Fax Raleigh Office (919) 862-2260

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to Examiner David H. Kruse at the US Patent and Trademark Office at facsimile number (571) 273-0799 on the date shown below.


Marilyn Munoz

2-3-04
Date

Attorney's Docket No. 043753/241148 (5849-20A)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Kakefuda et al.	Confirmation No.:	5699
Appl. No.:	09/997,900	Group Art Unit:	1638
Filed:	November 30, 2001	Examiner	David H. Kruse
For:	GENES AND VECTORS FOR CONFERRING HERBICIDE RESISTANCE IN PLANTS		

February 3, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(c)

I, W. Murray Spruill, am an attorney of record of the disclaimant, BASF Aktiengesellschaft, and am authorized to execute this disclaimer on behalf of BASF Aktiengesellschaft. The disclaimant, BASF Aktiengesellschaft, having a principal place of business at BASF Corporation, 26 Davis Drive, Research Triangle Park, NC 27709, is the owner of all right, title, and interest in the above-identified application, by an Assignment recorded November 16, 2001, at Reel 012276, Frame 0001.

The disclaimant hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of United States Patent No. 6,348,643, issued February 19, 2002, entitled *DNA SEQUENCES ENCODING THE ACETOHYDROXY-ACID SYNTHASE SMALL SUBUNIT AND METHODS OF USE*, which patent was assigned to the above-identified disclaimant by an Assignment recorded November 16, 2001, at Reel 012276, Frame 0001.

Disclaimant further agrees that any patent so granted on the above-identified application, which is the subject of this disclaimer, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,348,643, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

Nothing herein shall be construed as a disclaimer of any terminal part of any patent granted on the above-identified application which is prior to the expiration of the full statutory

In re: Kakefuda et al.
Appl. No.: 09/997,900
Filing Date: November 30, 2001
Page 2

term of U.S. Patent No. 6,348,643 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(c), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully submitted,



W. Murray Spruill
Registration No. 32,943

Date: 2-3-04

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Raleigh Office (919) 862-2200
Fax Raleigh Office (919) 862-2260